

UNITED STATES DISTRICT COURT  
OFFICE OF THE CLERK  
DISTRICT OF NEVADA  
LLOYD D. GEORGE FEDERAL COURTHOUSE  
333 LAS VEGAS BOULEVARD SOUTH  
LAS VEGAS, NEVADA 89101  
(702) 464-5400

LANCE S. WILSON  
CLERK OF COURT

CYNTHIA J. JENSEN  
CHIEF DEPUTY, LAS VEGAS

LINDA LEA SHARER  
CHIEF DEPUTY, RENO

July 7, 2005

Mary Lou Michels Moran, Clerk  
United States District Court  
United States Courthouse  
4<sup>th</sup> Floor  
520 West Soledad Avenue  
Hagatna, GU 96910-4950

**FILED**  
DISTRICT COURT OF GUAM  
JUL 18 2005 *PBM*  
MARY L.M. MORAN  
CLERK OF COURT

Reference: Your Case #: 05-00053  
Our Mag #: MJ-S-05-0519-LRL

18

Dear Clerk:

Enclosed please find certification of the complete files as of July 7, 2005, in the above reference case.

Please acknowledge receipt of the above documents by signing the enclosed copy of letter and returning it to this court.

LANCE S. WILSON  
Clerk, U. S. District Court

*Alana Kamaka*  
By: Alana Kamaka  
Deputy Clerk

Enclosures

Received: \_\_\_\_\_

By: \_\_\_\_\_  
Deputy Clerk

**RECEIVED**  
JUL 18 2005  
DISTRICT COURT OF GUAM  
HAGATNA, GUAM

USA VS. CHRISTOPHER M. ESPINOSA  
Case No: MJ-S-05-0519-LRL

06/23/05      **INITIAL APPEARANCE (LRL)**-Crt appoints FPD to rep deft- ak

06/24/05      **WAIVER OF RULE 5 AND 5.1 HEARING (LRL)**- filed obo deft - ak

06/24/05      **ORDER APPOINTING COUNSEL (LRL)** - Crt appoints FPD to rep deft. - ak

06/24/05      **ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT (LRL)** - At the Government's request hearing continued to Tuesday, June 28, 2005, at 2:30 p.m.

06/28/05      **DETENTION HEARING (LRL)** - ak

06/30/05      **DETENTION ORDER (LRL)** - The Court finds the deft is a danger to the community and risk of nonappearance; therefore, the deft is detained - ak

06/30/05      **COMMITMENT TO ANOTHER DISTRICT (LRL)**- deft is ordered detained until transported to the District of Guam at Hagatna - ak

07/07/05      **LETTER** of transfer to District of Guam at Hagatna - ak

CERTIFIED COPY

United States of America

DISTRICT OF

} ss:

I, Lance S. Wilson, Clerk of the United States District Court  
for the District of Nevada, do hereby certify that the annexed  
and foregoing is a true and full copy of the original  
File - MJ-S-05-

now remaining among the records of the said Court in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and

affixed the seal of the aforesaid Court at Las Vegas, Nevada

this 7<sup>th</sup> day of July, A.D. 2005

Lance S. Wilson

By \_\_\_\_\_

*Lance S. Wilson*



UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
CHRISTOPHER M. ESPINOSA, )  
Defendant. )

Case # MJ-S-05-0519-LRL

2005 JUN 24 A 7:51

Date: JUNE 23, 2005

Time: 3:45 pm to 4:00 pm

INITIAL APPEARANCE/Rule 5 - Minutes DEPUTY  
 Further Proceedings re \_\_\_\_\_

PRESENT:  
THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge

ALANA KAMAKA 3:45-4:00  
Deputy Clerk FTR#

Interpreter ( ) Spanish ( )

PATRICK WALSH JASON CARR  
Assistant U. S. Attorney Defense Counsel Apt. Rnd  AFPD  
Samir Varma, Certified Law Clerk

Defendant is present in custody. Defendant is advised of the pending charges and his/her rights.

Defendant  questioned  sworn as to correctness of Financial Affidavit.

The Federal Public Defender's Office  CJA panel attorney \_\_\_\_\_  
is appointed as defense counsel.

Identity hearing waived.  Written waiver filed.  ORDERED defendant identified as named defendant in  
indictment/complaint and is held to answer in the \_\_\_\_\_ District of GUAM at Hagatna

Identity hearing is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm before Magistrate Judge  
\_\_\_\_\_, in Courtroom # \_\_\_, \_\_\_\_ floor.

The Government moves for detention.  The Court hears the argument of counsel.

Detention is ORDERED. Separate detention order and commitment to originating district to follow.

Detention Hearing is set for Tuesday, 6/28/05 at 2:30 pm at the request of  
( The Court ( The Government) ( Defense Counsel)

Temporary Detention is ORDERED.  Written Order to follow.

Bond is set.  PR  \$ \_\_\_\_\_ unsecured  secured by  % cash  Corporate  
Surety  Property (See bond for special conditions.)

Bond is executed; Defendant is released.

Next appearance date (if known) in originating district: \_\_\_\_\_

Defense counsel request Pretrial Services interview the defendant.

LANCE S. WILSON, Clerk  
United States District Court

  
Deputy Clerk

# FINANCIAL AFFIDAVIT

CJA 2  
Rev 7-93

IN SUPPORT OF REQUEST FOR ATTORNEY EXPENSE OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

IN UNITED STATES  
IN THE CASE OF

MAGISTRATE  DISTRICT  APPEALS COURT or  OTHER PANEL (Specify below)

VS. \_\_\_\_\_

FOR

2005 JUN 24 A 8:02  
AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

CHRISTOPHER M. ESPINOZA

CHARGE/OFFENSE (describe if applicable & check box)  Felony  Misdemeanor

- Defendant - Adult
- Defendant - Juvenile
- Appellant
- Probation Violator
- Parole Violator
- Habeas Petitioner
- 2255 Petitioner
- Material Witness
- Other (Specify) \_\_\_\_\_

DOCKET NUMBERS

Magistrate

MJ, b, D, VS10-1-DV

District Court

Court of Appeals

## ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOY- MENT	Are you now employed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Am Self Employed	
	Name and address of employer: <u>HARD ROCK CASINO</u>	
ASSETS	IF YES, how much do you earn per month? \$ <u>± 3,500</u>	IF NO, give month and year of last employment
		How much did you earn per month? \$ _____
OTHER INCOME	If married is your Spouse employed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	IF YES, how much does your Spouse earn per month? \$ <u>N/A</u>	If a minor under age 21, what is your Parents or Guardian's approximate monthly income? \$ _____
CASH	Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
	RECEIVED <u>£3,500</u> , RECEIVED & IDENTIFY \$ _____ THE SOURCES _____	SOURCES <u>GRANITE WORK</u>
PROP- ERTY	Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	IF YES, GIVE THE VALUE AND \$ _____ DESCRIBE IT _____ _____	VALUE <u>N/A</u> DESCRIPTION

OBLIGATIONS & DEBTS	DEPENDENTS	MARITAL STATUS <input checked="" type="checkbox"/> SINGLE <input type="checkbox"/> MARRIED <input type="checkbox"/> WIDOWED <input type="checkbox"/> SEPARATED OR DIVORCED	Total No. of Dependents <u>0</u>	List persons you actually support and your relationship to them	
DEBTS & MONTHLY BILLS	(LIST ALL CREDITORS, INCLUDING BANKS, LOAN COMPANIES, CHARGE ACCOUNTS, ETC.)	APARTMENT OR HOME: <u>Rent + Utilities</u> <u>Credit Card</u>	Creditors	Total Debt	Monthly Payt.
				\$ <u>120.00</u>	\$ <u>120.00</u>
				\$ <u>250.00</u>	\$ <u>250.00</u>
				\$ <u>0.00</u>	\$ <u>0.00</u>
				\$ <u>0.00</u>	\$ <u>0.00</u>

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date) 6/23/2005

✓ FILED  
JUN 24 2005 A 8:02  
CLERK DISTRICT COURT  
STATE OF NEVADA  
REPUTY

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

vs

CHRISTOPHER M ESPINOSA,

Defendant.

MJ-S-05-0519 LRL

ORDER APPOINTING COUNSEL  
AND DIRECTING THE MARSHAL  
TO SERVE SUBPOENAS AT  
GOVERNMENT EXPENSE

The individual named below, having testified under oath or having otherwise satisfied this Court that he (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and, because the interests of justice so require, the Court finds that the Defendant is indigent, therefore;

IT IS ORDERED that the Federal Public Defender for the District of Nevada is hereby appointed to represent Defendant, **CHRISTOPHER M ESPINOSA**.

IT IS FURTHER ORDERED that the Clerk issue subpoenas upon oral request and submission of prepared subpoenas by the attorneys of the office of the Federal Public Defender, unless said subpoenas are to be served outside the State of Nevada. The cost of process, fees and expenses of witnesses so subpoenaed shall be paid as witness(es) subpoenaed on behalf of the Government. The Court is satisfied the individual is unable to pay fees and expenses of subpoenaed witness(es) and the United States Marshal shall provide such witness(es) subpoenaed advance funds for the purpose of travel within the District of

1 Nevada and subsistence. Any subpoenas served on behalf of the individual, the return thereon  
2 to this Court shall be sealed, unless otherwise ordered.  
3

4 IT IS FURTHER ORDERED that if counsel for the individual  
5 desires subpoenas to be served outside the State of Nevada, further application pursuant to  
6 Federal Rules of Criminal Procedure 17(b) shall be made to the Court, before the issuance of  
7 said subpoenas.  
8

9 DATED this 23<sup>rd</sup> day of JUNE, 2005.  
10

11   
12 UNITED STATES MAGISTRATE JUDGE  
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UNITED STATES DISTRICT COURT

DISTRICT OF

NEVADA

2005 JUN 24 A 8:02

UNITED STATES OF AMERICA

v.

CHRISTOPHER M. SIMOGA

Defendant

WAIVER OF RULE 5 & 5.1 HEARINGS

(Complaint/Indictment)

BY \_\_\_\_\_

CASE NUMBER: MJ-S-05-0519-CRL

CHARGING DISTRICTS

CASE NUMBER:

05-00053

I understand that charges are pending in the \_\_\_\_\_ District of Garn

alleging violation of 21 U.S.C. §§ 841 & 846 and that I have been arrested in this district and  
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

identity hearing  
 preliminary hearing  
 identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

  
Defendant

  
Defense Counsel

June 23, 2005  
Date

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

V.

**ORDER OF TEMPORARY DETENTION  
 PENDING HEARING PURSUANT TO  
 BAIL REFORM ACT**

CHRISTOPHER ESPINOSA,*Defendant*

Case Number: MJ-S-05-0519-LRL

Upon motion of the Government, it is ORDERED that adetention hearing is set for Tuesday, June 28, 2005 \* at 2:30 p.m.  
*Date* *Time*before THE HONORABLE UNITED STATES MAGISTRATE JUDGE LAWRENCE R. LEAVITT  
*Name of Judicial Officer*LLOYD D. GEORGE FEDERAL COURTHOUSE, 333 LAS VEGAS BLVD. SOUTH, LAS VEGAS NEVADA  
*Location of Judicial Officer*Pending this hearing, the defendant shall be held in custody by (the United States marshal (                  )  
                  ) and produced for the hearing.  
*Other Custodial Official*Date: June 24, 2005*Lawrie**Judicial Officer*

\*If not held immediately upon defendant's first appearance, the hearing may be continued for up to three days upon motion of the Government, or up to five days upon motion of the defendant. 18 U.S.C. §3142(f)(2).

A hearing is required whenever the conditions set forth in 18 U.S.C. 3142(f) are present. Subsection (1) sets forth the grounds that may be asserted only by the attorney for the Government; subsection (2) states that a hearing is mandated upon the motion of the attorney for the Government or upon the judicial officer's own motion if there is a serious risk that the defendant (a) will flee or (b) will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror.

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

FILED  RECEIVED  
 ENTERED  SERVED ON  
COUNSEL/PARTIES OF RECORD

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
Christopher M. Espinosa )  
Defendant.

2005 JUN 29 A 11:29

Case # MJ-S-05-0519-LRL CLERK'S DISTRICT COURT  
DISTRICT OF NEVADA  
Date: June 28, 2005  
Time: 2:33 pm to 2:44 pm DEPUTY  
INITIAL APPEARANCE/Rule 5 - Minutes  
 Further Proceedings re Detention

PRESENT:  
THE HONORABLE LAWRENCE R. LEAVITT, United States Magistrate Judge

ALANA KAMAKA 2:33-2:44  
Deputy Clerk FTR Tape# Interpreter ( ) Spanish ( )

Patrick Walsh Jason Carr  
Assistant U. S. Attorney Defense Counsel Apt. Rnd LAFPD

Defendant is present. Defendant is advised of the pending charges and his/her rights.  
and in custody

Defendant questioned sworn as to correctness of Financial Affidavit.

The Federal Public Defender's Office CJA panel attorney  
is appointed as defense counsel.

Identity hearing waived. Written waiver filed. ORDERED defendant identified as named defendant in  
indictment/complaint and is held to answer in the \_\_\_\_\_ District of \_\_\_\_\_

Identity hearing is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm before Magistrate Judge  
in Courtroom # \_\_\_\_\_, \_\_\_\_\_ floor.

The Government moves for detention.  The Court hears the argument of counsel.

Detention is ORDERED. Separate detention order and commitment to originating district to follow.

Defendant is remanded and shall be removed to the District of Omaha.  
Detention Hearing is set for \_\_\_\_\_ at \_\_\_\_\_ am/pm at the request of  
( ) The Court ( ) The Government ( ) Defense Counsel

Temporary Detention is ORDERED. Written Order to follow.

Bond is set. PR \$ \_\_\_\_\_ unsecured secured by % cash Corporate  
Surety Property (See bond for special conditions.)

Bond is executed; Defendant is released.

Next appearance date (if known) in originating district: \_\_\_\_\_

LANCE S. WILSON, Clerk  
United States District Court

Alana Kamaka  
Deputy Clerk

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FILED    RECEIVED  
ENTERED    SERVED ON  
COUNSEL/PARTIES OR PROSECUTOR

UNITED STATES OF AMERICA  
v.  
CHRISTOPHER M. ESPINOSA  
Defendant

**ORDER OF DETENTION PENDING TRIAL**

Case Number: MJ-S-05-0519-LM

2005 JUN 30 P 1:51

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

**Part I - Findings of Fact**

(1) The defendant is charged with an offense described in 18 U.S.C. § 3142(f)(1) and has been convicted of a (federal offense)(state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is  a crime of violence as defined in 18 U.S.C. §3156(a)(4).  
 an offense for which the maximum sentence is life imprisonment or death.  
 an offense for which a maximum term of imprisonment of ten years or more is prescribed in   
 a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.

(2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.  
 (3) A period of not more than five years has elapsed since the (date of conviction)(release of the defendant from imprisonment) for the offense described in finding (1)  
 (4) Finding Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an) other person(s) and the community. I further find that the defendant has not rebutted this presumption.

**Alternative Findings(A)**

(1) There is probable cause to believe that the defendant has committed an offense  for which a maximum term of imprisonment of ten years is described in 21 U.S.C. §§ 841(a)(1), (B)(1)(a)(viii) & 846 under 18 U.S.C. §924(c).  
 (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

**Alternative Findings (B)**

(1) There is a serious risk that the defendant will not appear.  
 (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The defendant is charged with an offense which under the Bail Reform Act gives rise to a presumption that he is both a significant risk of non appearance and danger to the community such that he should be detained.

The defendant has not provided any evidence or information to rebut the presumption even after having been interviewed by Pretrial Services and after Pretrial Services Agency was able to supplement its view of the defendant's criminal history.

The defendant has nine (9) outstanding Bench Warrants, six (6) of which are traffic-related offenses occurring on two separate dates. This suggests to the Court that the defendant does not have any sense of responsibility to respond to the Orders of the Court.

In addition to those traffic violations, in November 1998, the defendant was charged in a variety of Felonies in Guam which he failed to appear for and a Bench Warrant was issued for his arrest. A month later, he was arrested on additional felony charges, failed to appear, and a Warrant was issued which remains outstanding.

In Las Vegas, the defendant failed to appear on a misdemeanor matter for an Arraignment before a Justice of the Peace in 2004, a Bench Warrant was issued, and remains outstanding.

The defendant is presumed to be a danger to the community based on the charges filed against him. There has been no evidence that would rebut this presumption either.

Accordingly, based on all of these factors, the defendant is a risk of flight and danger to the community warranting his detention. He is remanded to custody and shall be removed to the District of Guam.

**Part II - Written Statement of Reasons for Detention**

I find that the credible testimony and information submitted at the hearing established by clear and convincing evidence that the defendant is a danger to the community and by a preponderance of the evidence that the defendant is a risk of flight and no condition or combination of conditions will reasonably assure his appearance as required.

**Part III - Directions Regarding Detention**

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Signature of Judicial Officer

Lawrence R. Leavitt, United States Magistrate Judge  
Name and Title of Judicial Officer

\*Insert as applicable: (a) Controlled Substances Act (21 U.S.C. § 801 *et seq.*); (b) Controlled Substances Import and Export Act (21 U.S.C. § 951 *et seq.*); or (c) Section 1 of Act of Sept. 15, 1980 (21 U.S.C. § 955 a).

Det-ord2.wpd

## UNITED STATES DISTRICT COURT

District of NEVADA

UNITED STATES OF AMERICA  
v.  
CHRISTOPHER M. ESPINOSA

## COMMITMENT TO ANOTHER DISTRICT

DOCKET NUMBER		MAGISTRATE/JUDGE CASE NUMBER	
District of Arrest	District of Offense	District of Arrest	District of Offense
	05-00053	MJ-S-05-0519-LRL	

## CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

Indictment     Information     Complaint     Other (specify)

charging a violation of 21 U.S.C. § 841(a)(1),(b)(1)(A)(viii) & 846

## DISTRICT OF OFFENSE

GUAM AT HAGATNA

## DESCRIPTION OF CHARGES:

CONSPIRACY TO DISTRIBUTE METHAMPHETAMINE HYDROCHLORIDE (COUNT 1); and  
ATTEMPTED POSSESSION OF METHAMPHETAMINE HYDROCHLORIDE WITH INTENT TO DISTRIBUTE (COUNT 2)

## CURRENT BOND STATUS:

Bail fixed at \_\_\_\_\_ and conditions were not met  
 Government moved for detention and defendant detained after hearing in District of Arrest  
 Government moved for detention and defendant detained pending detention hearing in District of Offense  
 Other (specify) \_\_\_\_\_

Representation:     Retained Own Counsel     Federal Defender Organization     CJA Attorney     None

Interpreter Required?     No     Yes    Language: \_\_\_\_\_

## DISTRICT OF NEVADA

## TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

June 29, 2005

Date

Judge

## RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	DATE DEFENDANT COMMITTED
DATE	UNITED STATES MARSHAL	(BY) DEPUTY MARSHAL	